

S.D.N.Y. - N.Y.C.
08-cv-2105
Wood, C.J.

MANDATE United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 24th day of June, two thousand eight,

Present:

Hon. Chester J. Straub,
Hon. Reena Raggi,
Circuit Judges,
Hon. William K. Sessions, III,*
District Judge.

Samuel James Heyward,
Plaintiff-Appellant,

v.

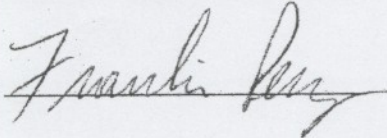
Gail B. Rice, *et al.*,
Defendants-Appellees.



08-1918-pr

Appellant, *pro se*, moves for leave to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e); *Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

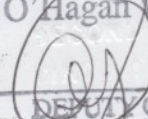
By: 

*The Honorable William K. Sessions, III, Chief Judge of the United States District Court for the District of Vermont, sitting by designation.

SAO-KFW

Issued as Mandate:

98/14/08

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by  DEPUTY CLERK